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104TH CONGRESS  
2D SESSION

# H. R. 4298

To provide for a special Medicare part B enrollment period and a special Medigap open enrollment period for certain military retirees and dependents.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 1996

Mr. ENSIGN introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide for a special Medicare part B enrollment period and a special Medigap open enrollment period for certain military retirees and dependents.

1       *Be it enacted by the Senate and House of Representa-  
2 tives of the United States of America in Congress assembled,*

3       **SECTION 1. MEDICARE PART B SPECIAL ENROLLMENT PE-  
4 RIOD AND MEDIGAP SPECIAL OPEN ENROLL-  
5 MENT PERIOD FOR CERTAIN MILITARY RE-  
6 TIREES AND DEPENDENTS.**

7       (b) MEDICARE PART B SPECIAL ENROLLMENT PE-  
8 RIOD.—

1                             (1) IN GENERAL.—In the case of any eligible  
2 individual (as defined in subsection (c)), the Sec-  
3 retary of Health and Human Services shall provide  
4 for a special enrollment period during which the in-  
5 dividual may enroll under part B of title XVIII of  
6 the Social Security Act. Such period shall be for a  
7 period of 6 months and shall begin with the first  
8 month that begins at least 45 days after the date of  
9 the enactment of this Act.

10                            (2) COVERAGE PERIOD.—In the case of an eli-  
11 gible individual who enrolls during the special enroll-  
12 ment period provided under paragraph (1), the cov-  
13 erage period under part B of title XVIII of the So-  
14 cial Security Act shall begin on the first day of the  
15 month following the month in which the individual  
16 enrolls.

17                           (b) MEDIGAP SPECIAL OPEN ENROLLMENT PE-  
18 RIOD.—Notwithstanding any other provision of law, an is-  
19 suer of a Medicare supplemental policy (as defined in sec-  
20 tion 1882(g) of the Social Security Act)—

21                           (1) may not deny or condition the issuance or  
22 effectiveness of a Medicare supplemental policy; and

23                           (2) may not discriminate in the pricing of the  
24 policy on the basis of the individual's health status,  
25 medical condition (including both physical and men-

1       tal illnesses), claims experience, receipt of health  
2       care, medical history, genetic information, evidence  
3       of insurability (including conditions arising out of  
4       acts of domestic violence), or disability;  
5       in the case of an eligible individual who seeks to enroll  
6       during the 6-month period described in subsection (a)(1).

7           (c) ELIGIBLE INDIVIDUAL DEFINED.—In this sec-  
8       tion, the term “eligible individual” means an individual—  
9              (1) who, as of the date of the enactment of this  
10       Act, has attained 65 years of age and was eligible  
11       to enroll under part B of title XVIII of the Social  
12       Security Act, and

13              (2) who at the time the individual first satisfied  
14       paragraph (1) or (2) of section 1836 of the Social  
15       Security Act—

16                  (A) was a covered beneficiary (as defined  
17       in section 1072(5) of title 10, United States  
18       Code), and

19                  (B) did not elect to enroll (or to be deemed  
20       enrolled) under section 1837 of the Social Secu-  
21       rity Act during the individual’s initial enroll-  
22       ment period.



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- 1 The Secretary of Health and Human Services shall con-
- 2 sult with the Secretary of Defense in the identification of
- 3 eligible individuals.

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